

ration, it was declared that the policy of the State should be to work all prisoners within the walls and upon the farms owned or leased by the State and in no event to sell the labor of prisoners to any contractor or lessee.

Therefore, it is the judgment of this committee that this Legislature under existing law, is without power to consider or accept the offer submitted by Hon. James E. Ferguson to lease the State prison properties and the prisoners, and that a copy of this report be forwarded to him. Respectfully submitted.

LEWIS, Chairman.

NINETEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 5, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Holbrook.	Wood.

Absent.

Clark.	Wirtz.
Stuart.	Woods.
Thomas.	

Absent—Excused.

Dudley.	Lewis.
Burkett.	Pollard.
Cousins.	Rogers.

The Chair announced that there was no quorum present.

Recess.

On motion of Senator Darwin, the Senate at 10:05 a. m. recessed until 2 o'clock p. m. today.

26—Senate

Afternoon Session.

The Senate met at 2 o'clock p. m. and was called to order by Lieutenant Governor T. W. Davidson.

The Chair announced that there was no quorum present.

On motion of Senator Darwin, the Senate at 2:05 p. m. adjourned until 10 o'clock a. m. tomorrow.

TWENTIETH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, Feb. 6, 1923.

The Senate met pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

See Appendix for Petitions and Committee Reports.

Excused.

Senator Woods for yesterday and indefinitely, on account of illness, on motion of Senator Bailey.

Senator Wirtz for yesterday, on account of illness in his family, on motion of Senator Bailey.

Senator Pollard for yesterday, on account of illness in his family, on motion of Senator Strong.

Senator Rogers for yesterday, today and tomorrow, on account of important business, on motion of Senator Strong.

Senator Lewis for yesterday and today, on account of sickness, on motion of Senator Baugh.

Senator Cousins for yesterday and today, on account of important business, on motion of Senator Strong.

Senator Burkett for yesterday and today, on account of important business, on motion of Senator Doyle.

Bills and Resolutions.

By Senator Parr:

S. B. No. 266, A bill to be entitled "An Act to amend Article 3093, Revised Civil Statutes, as amended by Chapter 60, General Laws, Fourth Called Session, Thirty-fifth Legislature, amending our Primary Election Laws, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Parr:

S. B. No. 267, A bill to be entitled "An Act authorizing counties to issue bonds under Section 52 of Article 3 of the Constitution for irrigation purposes; empowering such counties to construct, purchase and acquire reservoirs, dams, levees, wells, canals, laterals, ditches, pumping plants, and other improvements required for the proper and efficient irrigation of the land in such counties; to hold elections upon the question of issuing bonds and the levy of taxes for their payment; providing for the levy and collection of such taxes; providing for the control, management and operation of the irrigation system of such counties; providing for the issuance of notes by such counties for certain irrigation purposes; and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Wood:

S. B. No. 268, A bill to be entitled "An Act to amend Articles 6901a and 6901d, of Chapter 1, Title 119 of the Revised Civil Statutes of Texas of 1911, as enacted by Chapter 29 of the General Laws of the

Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular Session, Thirty-sixth Legislature, and to amend Articles 6901b, 6901c, and 6901e, of said Chapter and Title of the Revised Civil Statutes, as enacted by Chapter 29 of the General Laws of the Fourth Called Session, Thirty-fifth Legislature, and adding thereto Articles 6901cc, 6901dd and 6901ff, all of which articles of the Statutes relate to the compensation of county commissioners; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas entitled 'Courts-District and County-Practice in' by adding thereto Chapter 12a relating to procedure in Civil District Courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Murphy:

S. B. No. 270, A bill to be entitled "An Act to amend Subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the 11th, 55th, 61st, and 80th judicial districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing compensation to the clerk of the Eighth Judicial District Court in Harris County."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 271, A bill to be entitled "An Act to repeal an Act approved May 27, 1915, and an Act amendatory thereof, approved April 2, 1918, being respectively Chapter 5 of the General Laws of Texas passed at the First Called Session of the Thirty-fourth Legislature, and Chapter 45 of the General Laws of the Thirty-fifth Legislature relative to the bus-

ness of Cooperative Savings and Contract Loan Companies."

Read first time and referred to Committee on Insurance and Banking.

By Senator Witt:

S. B. No. 272, A bill to be entitled "An Act making unlawful the making or use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or of any other person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale, or endorsement of a bill of exchange or promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Davis:

S. B. No. 273, A bill to be entitled "An Act to amend Articles 3635, 3636, 3637 and 3639, Chapter 32, Title 52, of the Revised Statutes of Texas, in reference to appeals from county courts to district courts in estate matters."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Ridgeway:

S. B. No. 274, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie County, and by providing that the two terms of said court to be held in Burnet County may continue in session for three weeks each, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Baugh, Thomas, Lewis:

S. B. No. 275, A bill to be entitled "An Act to permit boards of trustees of religious, charitable, educational, or

eleemosynary institutions to be affiliated with, elected, and controlled by a convention, conference, or association, incorporated or unincorporated, organized under the laws of this or another state whose membership is composed of representatives, delegates, or messengers from any church or other religious association; also to permit such institutions to acquire, own, hold, mortgage, and dispose of property, real and personal, within this State, in furtherance of the purposes of the organization."

Read first time and referred to Committee on State Affairs.

By Senator Holbrook:

S. B. No. 276, A bill to be entitled "An Act to aid and relieve the city of Palacios in Matagorda County, Texas, (which borders on the waters of the Gulf of Mexico), and the citizens and taxpayers thereof, from the devastating Gulf storms and tidal waves of the Gulf of Mexico, by the construction of sea walls, break waters, revetments and shore and harbor protection, and in maintaining the same, and in restoring, protecting and improving the harbor and bay shore front from the city of Palacios, in Matagorda County, Texas, so as to prevent future damage from such storms, and for the acquisition by purchase, condemnation, or otherwise, of all lands necessary for said purpose, by donating to the city the advalorem taxes to be collected by the State of Texas upon all property and from all persons owning property situated and located in the County Commissioners' Precincts Nos. 3 and 4 of said Matagorda County, including the said city of Palacios for a period of twenty years, and to authorize said city to issue bonds for the purposes mentioned and to provide a penalty for misapplication of funds."

Read the first time and referred to Committee on State Affairs.

Joint Resolutions.

By Senator Doyle:

S. J. R. No. 14, Proposing the repeal of Section 6, Article 6 of the Constitution of the State of Texas, proposing the repeal of all laws enacted by the Legislature of the

State of Texas; creating the nine Courts of Civil Appeals and the Court of the Commission of Appeals; providing for one Supreme Court for the State of Texas.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Doyle:

S. J. R. No. 15, Proposing an amendment to the Constitution of the State of Texas to provide that the tenure of office shall be four years after the general election of 1924, and excepting Judges of the Supreme Court, Court of Criminal Appeals, Congressmen, and United States Senators.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Doyle:

S. J. R. No. 16, Providing an amendment to the Constitution of the State of Texas to provide that factories, manufactories and industrial mills erected and operated in Texas after the adoption of this amendment shall be exempt from payment of taxes for ten years.

Read first time and referred to Committee on Constitutional Amendments.

Simple Resolution No. 51.

By Senator Parr:

I move that the Senate return to the House Senate Bills Nos. 92 and 93 for its further consideration.

The resolution was read and adopted.

S. B. Nos. 259 and 260 Re-referred.

On motion of Senator Bledsoe, Senate Bills Nos. 259 and 260, heretofore referred to the Committee on Mining and Irrigation, were re-referred to the Committee on Public Lands and Land Office.

S. B. No. 168 Re-referred.

S. B. No. 168 was re-referred to the Committee on Federal Relations, on motion of Senator McMillin.

H. B. No. 168 Made Special Order.

Senator Parr moved that H. B. No. 168, together with the motion to reconsider and spread on the Jour-

nal, be made a special order for next Thursday, after the morning call.

Senator Clark moved as a substitute that the bill be re-referred to the Committee on Educational Affairs.

Yeas and nays were demanded, and the substitute motion to refer was lost by the following vote:

Yeas—12.

Bailey.	Doyle.
Baugh.	Pollard.
Bledsoe.	Stuart.
Bowers.	Turner.
Clark.	Watts.
Davis.	Witt.

Nays—13.

Darwin.	Rice.
Fairchild.	Ridgeway.
Floyd.	Strong.
Holbrook.	Thomas.
McMillin.	Wirtz.
Murphy.	Wood.
Parr.	

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

Question then recurred on the motion to make the bill a special order after the morning call Thursday, together with the motion to reconsider, and the motion carried.

H. B. No. 105 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading, and final passage,

H. B. No. 105, A bill to be entitled "An Act to provide for creating and incorporating Webster Independent School District in Harris County; Texas, and of the territory now composing Common School Districts Nos. 19 and 13 of said county, providing that the title of the school property vested in said Common School Districts Nos. 19 and 13 shall vest in said Webster Independent School Districts, and that said independent school district assume the debts of said Common School Districts Nos. 19 and 13; providing for the board of trustees of said Webster Independent School District; providing the time and manner of their election; defining their power and duties, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

H. B. No. 240 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 240, A bill to be entitled "An Act creating and incorporating the Harmony Independent School District in Terry County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, term of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for a collector and assessor of taxes, and a board of equalization; providing that said Harmony Independent School District shall assume and discharge its pro rata part of any bonds and indebtedness that may be owing by the Gomez Independent School District in Terry County, Texas; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district, and providing that title to any and all property in such common school district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act

shall not invalidate any remaining provision of this Act, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

S. B. No. 118 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 118, A bill to be entitled "An Act to amend Article 1620 of the Revised Civil Statutes of Texas."

The bill was read second time.

Senator Davis moved to adopt the majority committee report, recommending the bill do pass.

Senator Bowers moved as a substitute that the minority report that the bill do not pass be adopted.

Yeas and nays were demanded, and the substitute motion was lost by the following vote:

Yeas—7.

Bailey.	McMillin.
Baugh.	Pollard.
Bowers.	Turner.
Clark.	

Nays—16.

Bledsoe.	Parr.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	Stuart.
Floyd.	Thomas.
Holbrook.	Wirtz.
Murphy.	Wood.

Absent.

Watts.	Witt.
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Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

Question then recurring on the motion to adopt the majority committee report, it prevailed.

S. B. No. 119 was passed to engrossment.

S. B. No. 107 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 107, A bill to be entitled "An Act providing for the appointment of the Banking Commissioner of Texas, fixing the term of his office, official name, compensation and prescribing his qualifications and duties; providing for a seal of office; requiring of the Banking Commissioner of Texas an oath of office and a bond for the faithful discharge of his duties; providing for the appointment of a deputy Commissioner of Banking, defining his duties, fixing their number, salaries and duties; providing for the number of examinations that shall be made by State examiners of State banks, fixing the fees that shall be paid for such examinations and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner, prescribing his duties and fixing his compensation; providing for the appointment of a General Liquidating Agent; prescribing his duties and fixing his compensation; amending Chapter 10, General Laws of Texas, passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate Bill No. 6, and amending Section 38 of said Chapter 10, amending Chapter 205, General Laws of the Thirty-fifth Legislature, passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature, passed in 1909, being Senate Bill No. 4, amending Articles 518, 519, 521, Vernon's Sayles' Revised Statutes of the State of Texas amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate Bill No. 4, Article 221a, Vernon's Sayles' Revised Statutes of Texas, as amended by Chapter 2, 105, Section 7, Acts of

the Thirty-fifth Legislature at the Regular Session, 1917; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The bill was read second time and on motion of Senator Holbrook was laid on the table subject to call.

S. B. No. 115 on Second Reading.

The Chair laid before the Senate as regular order on its second reading,

S. B. No. 115, A bill to be entitled "An Act to amend Article 1591 of the 1911 Revised Civil Statutes of Texas."

The bill was read second time.

Senator Davis moved to adopt the Majority Committee report that the bill do pass.

Senator Bowers moved that the Minority Report that the bill do not pass, be adopted, and the motion was lost.

Question recurred on the motion to adopt the Majority Report, and the motion carried.

On motion of Senator Davis, the bill was laid on the table subject to call.

S. B. No. 143 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 143, A bill to be entitled "An Act to amend Chapter 32 of the First Called Session of the Thirty-third Legislature of the State of Texas, entitled, 'An Act to regulate and supervise the sale and purchase in this State of stocks of private, foreign and domestic corporations being organized, and hereafter organized, or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale or purchase of such stock of such corporations, or proposed corporations, and to fix commission and promotion fees allowed to be charged and providing for service of process, examination fees, and exempting certain corporations from the effect of this Act, providing penalties for the violation of the provisions of this Act, and declaring an emergency,' by adding thereto Section 14-a providing that the terms and provisions of this Act shall not apply to any

public service corporation doing business under the laws of this State, whose rates or charges are fixed or regulated by laws or by any governmental agency of this State."

The bill was read the second time and passed to engrossment.

S. B. No. 115 on Engrossment.

Senator Davis called up S. B. No. 115 relating to Appeals, which was read the second time this morning, and laid on the table subject to call.

The Chair laid the bill before the Senate.

Senator Davis offered the following amendment to the bill:

Amend caption to S. B. No. 115, line 8, page 1, by changing period after word "Texas" to comma and adding following: "providing for procedure where there is conflict between decisions of Courts of Civil Appeals or between decision of Civil Appeals and Supreme Court."

The amendment was adopted.

S. B. No. 115 was then passed to engrossment.

S. B. No. 136 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 136, A bill to be entitled "An Act amending Article 2939 of Chapter 4, of Title 49, of the Revised Civil Statutes of the State of Texas, of 1911, as amended by Chapter 40 of the General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by Chapter 6 of the General Laws of the Fourth Called Session of the Thirty-sixth Legislature, as amended by the General Laws of the Thirty-seventh Legislature, Regular Session, Chapter 113, and approved by the Governor on the 12th day of March, A. D. 1921, regulating elections, providing certain qualifications for voters and providing for absentee voting in order that voters may vote who are absent from the State, and declaring an emergency."

The bill was read second time, the committee report carrying amendment was adopted, and the bill was passed to engrossment.

S. B. No. 145 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 145, A bill to be entitled "An Act providing for the entering of interlocutory decrees in all divorce suits brought in this State; providing that final judgment of divorce may be entered after the expiration of six months from the entering of such interlocutory decree; providing that it shall be unlawful for either party to the divorce action to remarry pending the final judgment; affixing a penalty therefor and declaring an emergency."

The bill was read second time and failed on passage to engrossment, by the following vote:

Yeas 7.

Bledsoe.	Rice.
Clark.	Stuart.
McMillin.	Wood.
Pollard.	

Nays 18.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Ridgeway.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

S. B. No. 169 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 169, A bill to be entitled "An Act permitting building and loan associations organized under Chapter 33 of the First Called Session of the Thirty-third Legislature to use the word 'savings' in their corporate names and advertising."

The bill was read the second time.

(Senator McMillin in the Chair.)

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—13.

Baugh.	Parr.
Clark.	Ridgeway.
Davis.	Strong.
Doyle.	Thomas.
Fairchild.	Witt.
Floyd.	Wood.
Murphy.	

Nays—11.

Bailey.	Rice.
Bledsoe.	Stuart.
Bowers.	Turner.
Holbrook.	Watts.
McMillin.	Wirtz.
Pollard.	

Absent.

Darwin.

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	Woods.

S. B. No. 117 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 117, A bill to be entitled "An Act to amend Article 1623 of the Revised Civil Statutes of Texas."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend caption to S. B. No. 117, page 1, line 7, by changing period after word "Texas" to comma and adding following: "Providing procedure where Courts of Civil Appeals or any one of them may arrive at opinion or decision in conflict with opinion theretofore rendered by Supreme Court or other Court of Civil Appeals on any question of law."

The amendment was adopted.

S. B. No. 117 was passed to engrossment.

S. B. No. 151 on Second Reading.

On motion of Senator Floyd, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 151, A bill to be entitled "An Act to amend Article 3 of Section 27 of House Bill No. 17, passed at the First Called Session of the Thirty-third Legislature of the State of Texas; said subdivision to be so amended as to hereafter read as follows:"

The Chair laid the bill before the Senate, it was read second time, the committee report carrying a substitute was adopted, and the bill was passed to engrossment.

Recess.

Senator Wood moved that the Senate recess until 2 p. m. today.

On motion of Senator Bailey, the Senate at 12 o'clock noon, recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 153 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 153, A bill to be entitled "An Act amending Title 58, Chapter 3, Article 3864, Revised Civil Statutes of Texas, 1911, relating to compensation allowed sheriffs on money collected on an execution or order of sale; and declaring an emergency."

The bill was read second time and on motion of Senator Strong was laid on the table subject to call.

S. B. No. 168 Laid on Table Subject to Call.

Senator Fairchild moved to reconsider the vote by which S. B. No. 168 was on this morning re-referred to the Committee on Federal Relations.

Yeas and nays were demanded and the motion to reconsider prevailed by the following vote:

Yeas—14.

Bailey.	Strong.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Murphy.	Witt.
Parr.	Woods.

Nays—10.

Baugh.	Doyle.
Bledsoe.	McMillin.
Bowers.	Rice.
Clark.	Stuart.
Davis.	Wood.

Absent.

Pollard. Ridgeway.

Absent—Excused.Burkett. Lewis.
Cousins. Rogers.
Dudley.

Question: Shall S. B. No. 168 be referred to the Committee on Federal Relations?

On motion of Senator Floyd, the bill was laid on the table subject to call.

Senator Bledsoe moved to reconsider the vote by which the bill was laid on the table subject to call.

Senator Fairchild moved to table the motion to reconsider.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

The Chair	Murphy.
Bailey.	Parr.
Darwin.	Strong.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.

Nays—13.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Stuart.
Clark.	Witt.
Davis.	Wood.
McMillin.	Woods.
Pollard.	

Absent—Excused.Burkett. Lewis.
Cousins. Rogers.
Dudley.

The Chair announced that the vote was a tie, and that he voted "yea," making the total 14 yeas, 13 nays.

Motion to Take up S. B. No. 3.

Senator Darwin moved to suspend the regular order and take up out of its regular order, S. B. No. 3, providing for an appropriation for public schools.

The motion to suspend was lost by the following vote, not receiving the necessary two-thirds majority:

Yeas—16.

Bailey.	Pollard.
Baugh.	Strong.
Bowers.	Stuart.
Darwin.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Witt.
Parr.	Woods.

Nays—10.

Bledsoe.	Murphy.
Clark.	Rice.
Davis.	Ridgeway.
Doyle.	Wirtz.
McMillin.	Wood.

Absent—Excused.Burkett. Lewis.
Cousins. Rogers.
Dudley.**S. B. No. 119 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading, S. B. No. 119, A bill to be entitled "An Act to amend Article 1540 of the Revised Civil Statutes of Texas."

The bill was read second time.

Senator Davis offered the following amendment to the bill:

Amend caption to Senate Bill No. 119, line 7, page 1, by changing the period after the word "Texas" to a comma, and add the following: "Providing what application for writ of error shall contain and further providing that where writ of error is sued out before Supreme Court, the Supreme Court may, in addition to considering grounds set out in application for writ of error may consider any fundamental error arising in the case, and providing the Chief Justice of Court of Civil Appeals deciding case may allow writ of error in any case coming under any one of the first five subdivisions of Article 1521, Revised Statutes of Texas, but refusal of such writ by such Chief Justice shall not be final, and any party desiring to sue out writ of error may make application for such writ of error to Supreme Court as in other cases."

The amendment was adopted.

Question recurring on the passage of the bill to engrossment, yeas and nays were demanded, and the bill failed on passage to engrossment by the following vote:

Yeas—5.	
Bledsoe.	Parr.
Clark.	Wood.
Davis.	
Nays—20.	
Bailey.	Rice.
Baugh.	Ridgeway.
Bowers.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
McMillin.	Wirtz.
Murphy.	Witt.
Pollard.	Woods.
Absent.	
Darwin.	
Absent—Excused.	
Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	

S. B. No. 144 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 144, A bill to be entitled "An Act amending Chapter 81, page 153, Acts of the Thirty-third Legislature, Regular Session, in reference to exempting from taxation Young Men's Christian Association buildings, Young Men's Hebrew Association buildings and Young Women's Christian Association buildings."

The bill was read the second time. Senator Davis offered the following amendment to the bill:

"Amend S. B. No. 144, page 1, line 15, by inserting immediately after the words 'Association buildings' the following: 'and buildings owned by Council of the Knights of Columbus.'"

Pending consideration of the amendment, Senator Bowers moved to adopt the Minority Committee report that the bill do not pass.

Yeas and nays were demanded, and the Minority Committee report was adopted (killing the bill), by the following vote:

Yeas—22.	
Bailey.	Fairchild.
Baugh.	Floyd.
Bledsoe.	Holbrook.
Bowers.	McMillin.
Darwin.	Murphy.

Parr.	Turner.
Pollard.	Watts.
Rice.	Wirtz.
Ridgeway.	Witt.
Stuart.	Wood.
Thomas.	Woods.

Nays 4.

Clark.	Doyle.
Davis.	Strong.

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	

S. B. No. 163 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 163, A bill to be entitled "An Act making it unlawful for the commissioners' court of any county to issue warrants, or other certificates of indebtedness, in any form to be paid at some future date, and promising and pledging the Road and Bridge Fund of the county for the final payment and redemption of said warrants, and declaring an emergency."

The bill was read the second time, and passed to engrossment.

S. B. No. 152 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 152, A bill to be entitled "An Act to create and establish a Court of Record in Bowie County, Texas, and known as the Texarkana Court at Law and limit the jurisdiction and powers of said court, and the territorial limits thereof; to conform the jurisdiction of the District and inferior courts thereto; to provide for the appointment, election and qualifications of a judge and a clerk of said court, and fix their compensation and tenure of office, and define their duties and powers, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

On motion of Senator Turner, the bill was laid on the table subject to call.

S. B. No. 61 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading,

S. B. No. 61, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of the Act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the Welfare and Hygiene of Maternity and Infancy Purposes,' commonly known as the Shepard-Towner Act; providing that work shall be carried on through the State Board of Health through its Bureau of Child Hygiene; and declaring an emergency."

The bill was read second time.

The committee report carrying the following amendment was adopted:

Amend Section 1 of Senate Bill No. 61 by adding to Section 1 thereof the following:

Provided that no official, agent or representative of the Bureau of Child Hygiene, or any department having to do with the administration of this Act, shall, by virtue of this Act, have any right to enter any home over the objection of the owner thereof, or to take charge of any child over the objection of the parents, or either of them, or of the person standing in loco parentis, or having the custody of such child, or without the express permission of the owner of such home, or the parents, or either of them, or the person standing in loco parentis, or having the custody of such child. Nothing in this Act shall be construed as limiting the power of the parent or guardian or person standing in the position of loco parentis to determine what treatment or correction shall be provided for the child, or the agency or agencies to be employed for such purpose.

All correspondence between the Bureau of Child Hygiene, or any official agent or representative thereof, and any parent, owner of a home, or person standing in loco parentis of any child, shall be held confidential, and not publicly disclosed, except by the permission of such parent, owner of the home, or person standing in loco parentis, unless the public welfare shall demand that it be disclosed, or used in furtherance of public welfare.

Senator Darwin offered the following amendment to the bill:

Amend S. B. No. 61 by adding at the end of Section 28, the following: "and the sum of \$37,000 is hereby appropriated for each of the fiscal years 1923-1924—1924-1925."

Senator Clark moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16.

Bailey.	Parr.
Baugh.	Pollard.
Clark.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	Watts.
Holbrook.	Wirtz.
McMillin.	Witt.

Nays—10.

Bledsoe.	Stuart.
Bowers.	Thomas.
Darwin.	Turner.
Floyd.	Wood.
Murphy.	Woods.

Absent—Excused.

Burkett.	Lewis.
Cousins.	Rogers.
Dudley.	

Senator Bailey moved the previous question on the passage of the bill to engrossment, and the main question ordered.

Yeas and nays were demanded, and S. B. No. 61 was passed to engrossment by the following vote:

Yeas—16.

Baugh.	Pollard.
Bledsoe.	Stuart.
Bowers.	Thomas.
Clark.	Turner.
Darwin.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Murphy.	Woods.

Nays—8.

Bailey.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Fairchild.	Watts.

Absent—Excused.

Burkett.	Lewis.
Cousins.	

(Pairs Recorded.)

Senator McMillin (present), who would vote nay; with Senator Rogers (absent), who would vote yea.

Senator Parr (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

Addition to Standing Committee.

By unanimous consent, Senator Rice was added to the Committee on Stock and Stock Raising, on motion of Senator Parr, chairman of the committee.

H. C. R. No. 12.

The Chair laid before the Senate for consideration at this time, H. C. R. No. 12, as follows:

Whereas, The citizens of Hidalgo County, together with the citizens of Corpus Christi and Kingsville and the Chamber of Commerce of San Antonio, extended an invitation to the members of the Thirty-eighth Legislature, the Governor and his staff, the Lieutenant Governor and Speaker of the House, to visit the famous citrus groves of Hidalgo County, also the cities of San Antonio, Corpus Christi, and Kingsville; and

Whereas, The invitation was accepted and the trip made in February, 1923, with no incident to mar the pleasure of the participants; and

Whereas, The genuine hospitality and unstinted courtesy of all the hosts made a lasting impression on the visitors; Therefore, be it

Resolved by the House, the Senate concurring, that we extend our most sincere thanks to the good people of the points visited, for their courteous attention and unbounded generosity; and, be it further

Resolved, That the reception given by the people of San Antonio was greatly appreciated. We commend the people of Corpus Christi for their efforts to establish a deep water port at that flourishing city. We also commend the far-visioning energetic people of Hidalgo County, who are rapidly developing the rich Rio Grande valley into a veritable citrus fruit orchard of the highest quality; also oranges, grape fruit, and lemons, though these orchards are in their infancy. We also congratulate

the people of Kingsville in their efforts to establish one of the state's higher educational institutions of learning in its midst. Be it further

Resolved, That we extend to our fellow members, Senator Parr of Duval County and Senator Ridgeway of Bexar County, Representatives Williamson, Dielmann, Hull, LeSturgeon and Davenport of San Antonio, Pope of Corpus Christi, Dunlap of Kingsville, Lewis of Cameron County and Montgomery of Hidalgo County, our special thanks. And for the splendid reports of the trip we desire to thank Joseph E. Doyle, of the Associated Press, Gordon Shearer of the San Antonio Express, Walter Hornaday of the Dallas News and Dallas Journal, Mallory McDonald of the Houston Post and Fort Worth Record, S. Raymond Brooks of the Austin American, Silliman Evans of the Fort Worth Star Telegram, F. W. Mozart of the Houston Evening Post and C. D. Wade of the Houston Chronicle.

We also desire to express our appreciation for the courtesies extended to us by Mr. R. R. Matthews, Pullman conductor, Mr. C. C. Jackson, Pullman inspector; Mr. R. A. Schultz, traffic manager of the S. A. U. & G. Railroad Company, who accompanied the special on its trip and return.

We also take pleasure in extending our thanks to the following officials of the roads hereafter named:

M. K. & T. Railway Company: A. S. Johnson, superintendent; C. W. Campbell, train master; D. C. Dobbins, assistant train master; Walter Walthall, assistant general freight and passenger agent; George Bendetti, city ticket agent at Austin; P. L. Putnam, conductor; G. Mounger, engineer; N. E. Starns and Wallace Oeding, brakemen; R. F. Parks and E. A. Cans, firemen. S. A. U. & G. Railway: A. R. Ponder, receiver. We also desire to thank him especially, for his private car for the Governor and his staff. Wack Jay, conductor; L. E. Hunter and Albert Cooke, engineers; M. F. Hunter and B. Patterson, firemen. St. L. B. & M. Railway Company: W. G. Choate, general manager; C. W. Starin, general passenger agent; Eugene Farr, division passenger agent; S. W. Numa and G. H. Price, conductors; L. Broker and James Duff,

engineers; J. W. Baker and W. A. Smith; firemen; M. Myers, G. Green, J. L. Green, and Dan Steele, brakemen.

We also wish to express our sincere appreciation to the custom official and other officials and citizens of the city of Reynosa, across the Rio Grande in our sister republic, Mexico, for the courtesies extended us and we especially noted and appreciate the cordial relations of the people of both the republics along the border.

The resolution was read and adopted on motion of Senator Baugh.

S. B. No. 60 Vetoed.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate, as follows:

Governor's Office,

Austin, Texas, Feb. 6, 1923.

To the Texas Senate of the Thirty-eighth Legislature:

I hereby return to you with my disapproval and veto, Senate Bill No. 60. This Act creates the Ninety-second Judicial District, composed of the counties of Clay, Archer and Young. These three counties, together with Wichita County, at present constitute the Thirtieth Judicial District. This Bill gives the Thirtieth District court entirely to Wichita County and forms the Ninety-second Judicial District, composed of Clay, Archer and Young Counties. The object of this Bill is to give longer terms to Clay, Archer and Young Counties.

The district clerk of Clay County, in written communication to me, states that "Clay County docket now clear and in good shape." The district judge, who presides over the District Court of Clay County, writes as follows:

"The docket in Clay County is clear and I did not use the allotted eight weeks as now provided by law."

In addition to these statements from these officers, the facts as I found them to be on investigation show conclusively that Clay County does not need another and additional term of court, nor a longer term of court and that the sixteen weeks a

year as now provided by law for Clay County, are not used. This new Bill, however, provides for four additional weeks a year to be added to the present term of the district court of this county. Certainly there is no occasion for adding four additional weeks a year to the court in order to dispose of all the court business when it is not required to use the sixteen weeks now provided by law for this county.

Archer County under the present law has six weeks a year. During these six weeks in 1922, the court tried only six short jury cases, one civil and five criminal. One of the five criminal cases resulted in a hung jury; one defendant was sent to the penitentiary, and three were given the suspended sentence. Eliminating the three suspended sentences, and no court is worth maintaining merely for the purpose of giving the suspended sentence, we readily see that no additional time is needed to dispose of the court business in Archer County. In regard to this matter the district judge writes me as follows:

"The docket in Archer County is clear and the allotted three weeks is more than ample for it."

This new court bill provides that two additional weeks a year be added to the present terms of the district court for Archer County. Good lawyers, as well as other reputable citizens in both Clay and Archer Counties, have assured me that no additional terms of court are necessary to properly dispose of the legal business of these two counties. It appears, therefore, that it would be a waste of energy, time, and money, to increase the district court terms of either Archer or Clay Counties.

Young County has an oil boom court docket carrying as a matter of course, much dead weight, cases that will never be tried; yet it is understood that this county needs some temporary court relief in order to clear the docket of pending cases. This relief can probably be given by the present court by readjusting the terms of the court in Archer, Clay, and Wichita Counties, giving additional time to Young County. The present district judge, as well as others acquainted with the situation, think desired relief can thus be given. To furnish, however, speedy and

sure relief, I recommend that a district court be created for a period of one year, or not exceeding eighteen months, for Young County; and said court so organized to sit continuously in Young County for said period of not exceeding eighteen months and clear up the present oil boom court docket; and that during the life of this court the present judge of the Thirtieth Judicial District Court hold court as he does now in Archer and Clay Counties, and that he give all his additional time to the trial of his docket in Wichita County, and that at the end of the life of the proposed court for Young County, the judicial district now composing the Thirtieth Judicial District, function as it does at this time in Wichita, Young, Archer, and Clay Counties. I recommend the passage of a bill creating this temporary court, defining its life and jurisdiction rather than approving this bill creating a permanent court, for the reason in addition to the reasons heretofore stated, that when a court, or any other office of any kind, has been once created, it seems absolutely impossible to abolish it without regard to whether it is rendering service or not. Should the present bill become a law creating a permanent Ninety-second Judicial District Court and the court docket is caught up with in Young County within approximately a year, as can easily be done, we will then have in the State a district court, as we now have at numerous places in Texas, with practically no work for it to do; yet to abolish it will be practically an impossibility.

I am exceedingly reluctant to give my endorsement and approval to the creation of new district courts in Texas while we have in the State a considerable number of district courts that do not have enough work to keep them busy half the time during the year. After a very thorough and conscientious investigation of this bill providing for the creation of the Ninety-second Judicial District Court, and feeling confident that all necessary relief can be had by a temporary court of approximately one year, I am returning herewith to you Senate Bill No. 60, with my disapproval and veto.

Yours sincerely,
PAT M. NEFF, Governor.

Senator Bledsoe moved that S. B. No. 60 be passed notwithstanding the Governor's objections outlined in the message above.

Pending the motion, the bill was laid on the table subject to call, on motion of Senator Bledsoe.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 169, A bill to be entitled "An Act amending Section 3 of an Act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free textbooks to the public school children of the State of Texas,' etc., being Senate Bill No. 118, Chapter 29, of said Regular Session Laws, repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 103, A bill to be entitled "An Act to establish a State College in that portion of Western Texas lying west of the 98th Meridian and north of the 30th parallel, to be known as the West Texas State College, providing for the location of such college, its government, the control of its finances, defining its leading objects and prescribing generally the nature and scope of instruction to be given; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the purchase of lands, the location, establishment and maintenance of said college, and declaring an emergency."

H. C. R. No. 12, Extending a vote of thanks to the proper persons in regard to the trip made by the Legislature to the Rio Grande Valley.

H. C. R. No. 13, Relating to the recognition of the Republic of Mexico by the United States Government.

Has concurred in Senate amendments to H. C. R. No. 8.

H. B. No. 380, A bill to be entitled "An Act creating and establishing a common school district to be known as Common County Line School District No. 49, composed of parts of

Fannin and Hunt counties; defining the powers of such district, prescribing the powers of the county board of school trustees in relation thereto, and declaring an emergency."

Has indefinitely postponed

H. B. No. 128, A bill to be entitled "An Act to amend Article 29 of Title 5 of the Revised Statutes of 1911, as amended by Acts of 1911, page 269, Section 1; Acts 1911, unpublished; Acts 1913, page 7, Section 1; and Acts of 1915, Chapter 70, Section 1, by providing that the counties of Rains, Wood, Van Zandt and Henderson shall be taken from the Fifth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the county of Lamar shall be taken from the Sixth Supreme Judicial District of Texas and added to the Fifth Supreme Judicial District of Texas; that the county of Panola shall be taken from the Ninth Supreme Judicial District of Texas; that the counties of Shelby, Nacogdoches and Angelina shall be taken from the Ninth Supreme Judicial District of Texas and added to the Sixth Supreme Judicial District of Texas; that the counties of Anderson and Houston be taken from the First Supreme Judicial District of Texas, and that the Court of Civil Appeals of the Sixth Supreme Judicial District of Texas shall hold its sessions in the city of Tyler, in the county of Smith; and declaring an emergency."

By a vote of 58 yeas and 51 nays, and a motion to reconsider was tabled by a vote of 62 yeas and 42 nays.

H. B. No. 182, A bill to be entitled "An Act authorizing and directing the administrative or governing authorities of the public educational institutions of the State to except and exempt from the payment of all dues, fees, and charges except for board and clothing of all citizens of Texas who served as nurses or in the armed forces of the United States during the late war, and giving said citizens a preferential right to be admitted to the benefits of said institutions, and declaring an emergency."

H. B. No. 350, A bill to be entitled "An Act to create the Granbury Independent School District in Hood County, Texas, including the present Granbury District of said county, providing for a board of trustees

therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Granbury District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act in the interest of maternity and infancy welfare and hygiene; accepting the provisions of an act of the United States Congress approved November 23, 1921, entitled 'An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes,' commonly known as the Sheppard-Towner Act; providing that the work shall be carried on through the State Board of Health through its bureau of child hygiene."

H. B. No. 182, A bill to be entitled "An Act to amend Article 465 of the Code of Criminal Procedure of the State of Texas, and to further define the mode of prosecuting the offense of perjury in certain cases."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House Bills:

H. B. No. 380, referred to Committee on Educational Affairs.

H. B. No. 103, referred to Committee on Public Health.

H. B. No. 132, referred to Committee on Criminal Jurisprudence.

H. B. No. 350, referred to Committee on Educational Affairs.

H. B. No. 182, referred to Committee on Educational Affairs.

H. B. No. 169, referred to Committee on Educational Affairs.

H. C. R. No. 13, referred to Committee on Federal Relation.

Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate,

after their captions had been read, the following bills:

S. B. No. 103.
S. B. No. 126.
S. B. No. 120.
S. B. No. 129.
H. B. No. 198.
H. B. No. 79.
H. B. No. 78.
H. B. No. 5.
H. C. R. No. 10.
H. C. R. No. 9.

Adjournment.

On motion of Senator Clark the Senate, at 5:30 p. m., adjourned until 10 a. m. tomorrow.

APPENDIX.

Petitions and Memorials.

Senator Watts sent up and had read a telegram signed by E. M. Thomas, mayor of Ennis, protesting against the bill offered by Senator Witt, authorizing State Insurance Commission to penalize communities for bad fire records.

By Senator Wood:

Resolution of the Executive Board of the Texas State Federation of Women's Clubs favoring the Shepard-Towner bill.

Committee Reports.

Senate Chamber,
Austin, Texas, Feb. 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 126 and find the same correctly enrolled and have this day at 11:45 o'clock, a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 120, and find the same correctly enrolled and have this day at 11:45 o'clock, a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 129, and find the same correctly enrolled and have this day at 3:15 o'clock, p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 65, and find the same correctly enrolled and have this day at 11:30 o'clock, a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 32, and find the same correctly enrolled and have this day at 11:30 o'clock, a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 1, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 64, and find the same correctly enrolled and have this day at 11:30 o'clock, a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 118 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,
Austin, Texas, Jan. 19, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on

Judicial Districts, to whom was referred

H. B. No. 62, A bill to be entitled "An Act amending Section 7 of Article 30 of the Revised Civil Statutes of Texas of 1911, as amended by Sections 3, 8, and 9, of the Acts of the Thirty-fifth Legislature, providing for the changing and fixing the times of holding the courts in the Seventh Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the District Court, which may now be in session, until its term expires by law, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 41, A bill to be entitled "An Act providing that all trial courts in this State before being authorized and empowered to impose any punishment or fine against another party for any alleged constructive contempt of said courts covering any alleged acts or conduct of said party, arising outside of and not in the presence of said courts, shall submit the issues of fact involved in such alleged constructive attempt to a jury of said courts as in civil cases, and the findings of said jury shall adjudge the party guilty of contempt as alleged, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Ridgeway and Baugh, members of said Committee, file a minority report and recommend that said bill do not pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on

Criminal Jurisprudence, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Civil Statutes of the State of Texas, relating to the writ for the apprehension of persons who are lunatics or non compos mentis and their detention, prohibiting the incarceration of such persons in county jails in counties where city or county hospitals exist, providing that they shall be detained in such county or city hospitals, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 14, A bill to be entitled "An Act to amend Section 1 of Article 7355, Title 126, Revised Civil Statutes of Texas, 1911, and also by adding thereto Section 1 1-2, relating to occupation taxes on itinerant merchants, or persons, firms, companies or association of persons temporarily engaging in the mercantile business, fixing penalty and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 219, A bill to be entitled "An Act amending Article 695a of the Penal Code of the State of Texas relating to the pollution of water courses and other bodies of water and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 207, A bill to be entitled "An Act to regulate the taking of fish from that part of fresh water streams situated within the limits of any incorporated city, town or village in this State; prescribing a penalty for the violation of this Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 225, A bill to be entitled "An Act providing for the disposition of liquor seized by officers under the prohibition laws of the State, providing that reports in triplicate be made and the liquor and other property be left with the sheriff, and receipt taken, and the sheriff held responsible on his bond for the safekeeping of the same, and providing penalties for the violation of this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 98, A bill to be entitled "An Act to amend Title 17, Chapter 11, of the Penal Code of the State of Texas, by adding thereto Article 1355a, relating to theft of chickens, turkeys, guineas, geese, peafowls and pigeons, so as to fix the punishment therefor at confinement in the pen-

itentiary for not less than one nor more than five years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 226, A bill to be entitled "An Act providing that any hotel or boarding house or other place to which the people resort for board or lodging, and which place repeatedly permits employes or guests to make, sell or give away intoxicating liquor, or permits parties to drink intoxicating liquors to excess, or permits gambling or prostitution, shall be declared a nuisance to be abated by the courts, and providing that when such acts are repeatedly committed by guests or employes the fact shall be prima facie evidence that the proprietors, managers, or those in charge have knowledge of same, and unless controverted shall be grounds for issuing an order of injunction, and providing that it shall not be necessary to prove that such conditions obtain at the time of the sitting of the court, but only that the material allegations are true, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 11, A bill to be entitled "An Act to amend Article 151, Title 10, of the Revised Statutes of Texas, 1911, relating to the writ for the apprehension of persons who are lunatics or non compos mentis, and their detention; and giving to the county judge authority to direct the detention of such lunatics or persons

non compos mentis in the county jail, county hospital, and providing that the expense of such detention shall be paid out of the general county fund, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 7, A bill to be entitled "An Act providing the suspension of the sentence in convictions for misdemeanors and providing for the procedure therein."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Parr and Strong, a minority of said committee, dissent from the above report, and report that said bill do pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 161, A bill to be entitled "An Act to add Article 4631 1-2 of the Revised Statutes of Texas to Chapter 4, Title 68, of the Revised Statutes of Texas, said Article to read as follows:"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 162, A bill to be entitled "An Act providing that freight

charges on carloads of coal delivered to any point within the State of Texas where railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit, shall be based on the actual weight of said coal; prescribing the manner of weighing such coal; prescribing that certificates of such weights shall be given, and that no freight charges on said coal shall be due or payable until such certificates are given; providing a penalty for violation of any provision of this Act, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

(Majority Report).

Committee Room,

Austin, Texas, Jan. 31, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 113, A bill to be entitled "An Act making it unlawful for the superintendent and manager of any line of railroad, or for the receivers of such railroad or for any person operating a railroad, to orally transmit to the conductor and engineer, or any member of a train crew, orders regulating the movements of trains along said line of railroad, requiring that said messages be in writing at the time of their delivery to the said members of the train crew regardless of the means by which they were transmitted, providing penalties for the violation thereof, and providing that this provision may not apply to short lines of railroad less than fifty miles in length, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

(Minority Report).

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to

whom was referred S. B. No. 113, have had same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass.

DAVIS.
STRONG.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 139, A bill to be entitled "An Act to control the possession, sale, and use of pistols and revolvers, to provide penalties, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 21, A bill to be entitled "An Act to permit defendants in cases in which requisitions have been issued for them by the Governor and where they appeal their cases to the Court of Criminal Appeals, to give bond the same as defendants in other felony cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TURNER, Chairman.

Ridgeway, a member of said Committee, dissents from the above report, and reports that said bill do not pass.

TURNER, Chairman.

(Majority Report).

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 6, "Proposing an amendment to Section 1, Article 8, of the Constitution of the State of Texas, providing for a grad-

uated land tax, and exempting homestead improvements of less than twenty-five hundred dollars in value from taxation."

Have had same under consideration, and I am instructed by the Committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted,
WOODS, Chairman.

(Minority Report).

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: I, J. W. Thomas, a minority of your Committee on Constitutional Amendments, to whom was referred Senate Joint Resolution No. 6, have had same under consideration, and I beg leave to report the same back to the Senate with a recommendation that it do not pass.

Respectfully submitted,
THOMAS.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 10, "Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas to provide that the Legislature may grant pensions to Confederate soldiers, sailors, and their widows, who have been citizens of Texas since prior to January 1, 1910, providing that all soldiers, sailors, and their widows eligible under the provisions hereof shall be entitled to be placed upon the rolls and participate in the pension fund created hereunder; levying a tax of seven cents on the one hundred dollars valuation of property in this State for the payment of such pension, providing that the Legislature may reduce the rate of pension for such purposes, fixing a time for the election to be held on such amendment, and making an appropriation to pay the expenses thereof."

Have had same under consideration, and I am instructed by the Committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted,
WOODS, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 11,
"A Joint Resolution proposing an amendment to Article 8 of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be known as Section 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control of a State system of public highways, authorizing the Legislature to provide for the issuance of bonds of the State or other forms of indebtedness for the construction of a State system of public highways, and to provide for the payment of said bonds; providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election."

Have had same under consideration, and I am instructed by the Committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted,
WOODS, Chairman.

Committee Room,
Austin, Texas, Jan. 31, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 12,
"Proposing an amendment to Section 26 of Article 4 of the State Constitution providing that the Governor may appoint notaries public for a term of six years with authority to perform official acts in the county of their residence and in any adjoining county."

Have had same under consideration, and I am instructed by the Committee to return same to the Senate with a recommendation that it do pass.

Respectfully submitted,
WOODS, Chairman.

(Majority Report).

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 182, A bill to be entitled "An Act authorizing any private corporation for profit, hereafter or heretofore organized under the laws of this State, other than corporations authorized to conduct a banking or insurance business, to issue shares of its stock without nominal or par value, in such classes, with such preference and for such consideration as may be prescribed and specifying the form of certificate for such stock; and providing for filing with Secretary of State statement showing total shares of all stock to be issued, (classes thereof and actual consideration received by the corporation for shares issued) without nominal or par value; and providing for the payment to the State of filing fees and franchise tax on stock without nominal or par value and determining the basis for computing such fees and tax; and providing for constituting outstanding shares of stock with nominal or par value into shares without nominal or par value and regulating and prescribing the method thereof; and providing the privileges and powers of this Act shall be in addition to and not in restriction or limitation of those now conferred by law, and that invalidity of part of this Act shall not affect or impair other provisions, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

(Minority Report).

Committee Room,
Austin, Texas, Feb. 5, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred S. B. No. 182, have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass, but that the

Committee Substitute for S. B. No. 182, accompanying this report, do pass in lieu therefor.

MURPHY,
HOLBROOK.

Committee Room,

Austin, Texas, Feb. 5, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 216, A bill to be entitled "An Act amending Chapter 3, of Title 49, of the Revised Civil Statutes of 1911, by adding after Article 2933 another article numbered 2933a, providing a means by which candidates may get their names on the official ballots in elections to fill vacancies in the Senate or House of Representatives of this State; and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

S. B. No. 267, A bill to be entitled "An Act authorizing counties to issue bonds under Section 52 of Article 3 of the Constitution for irrigation purposes; empowering such counties to construct, purchase and acquire reservoirs, dams, levees, wells, canals, laterals, ditches, pumping plants and other improvements required for the proper and efficient irrigation of the land in such counties; to hold elections upon the question of issuing bonds and the levy of taxes for their payment; providing for the levy and collection of such taxes; providing for the control, management and operation of the irrigation system of such counties; providing for the issuance of notes by such counties for certain irrigation purposes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with the recommendation that it do pass.

BLEDSON, Chairman.

TWENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Wednesday, February 7, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Dudley. Rogers.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

See Appendix for Petitions and Committee Reports.

Bills and Resolutions.

By Senator Woods:

S. B. No. 277, A bill to be entitled "An Act to establish a judicial council and to define its powers and duties."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 278, A bill to be entitled "An Act creating the Ninety-sixth Judicial District of Texas, and establishing a new civil district within the limits of Tarrant County, additional to the district courts now organized and operating in said county; fixing the terms of said court; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; authoriz-